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7	UNITED STATES DISTRICT COURT				
8	WESTERN DISTRICT OF WASHINGTON AT TACOMA				
9	DHIVW	DICUMOND	1		
10	BILLY W. RICHMOND, Plaintiff,			Case No. C06-5522FDB	
11	V.			ORDER ADOP	PING:
12	y. JULIETT GARRETT <i>et al</i> .,			REPORT AND RECOMMENDATION	
13	Defendants.				ATTON
14	Dorondunts.				
15	The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley				
16	Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby				
17	find and ORDER:				
18 19	(1)	The Court adopts the	e Report and Rec	commendation;	
20	(2) The complaint is DISMISSED WITHOUT PREJUDICE for failure				
21	to state a claim. This action must proceed in habeas corpus as it calls into question the length of a sentence.				
22	(3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Kelley Arnold.				
23	DATED 11: and 1				
24	DATED this 2 nd day of March 2007.				
25	ful Men				
26	FRANKLIN D. BURGESS				
27	UNITED STATES DISTRICT JUDGE				
28					
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